Application Number			Applicant(s)/Patent (Reexamination MOELLER ET AL.	under			
Document Code - DISQ		Internal Do	Internal Document – DO NOT MAIL				
TERMINAL DISCLAIMER	☑ APPROVI	ED	☐ DISAPP	☐ DISAPPROVED			
Date Filed : January 04, 2006	to a Te	t is subject erminal aimer	·				
Approved/Disapproved b	y:						
Henry D. Jefferson							

U.S. Patent and Trademark Office

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			19-Jan-06	APPL. S. N:	10618635				
To Exami	ner:		FAULK, DEVONA	Art Unit	2644				
From			Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Ca Drop-Off Location	JEF-2D68				
SUBJECT	୮։ Decisio	n on Termi	nal Disclaimer(T.D.) filed:						
form para or have a	agraphs iony quest	dentified by ions, pleas	this informal memo in your e see me or the Special Progr	the results as set forth below. If the next Office action to notify applic am Examiner. THIS IS AN INFORED OF RECORD IN THE APPLICATION.	ant of the T.D. If you disagree MAL, INTERNAL MEMO ONLY.				
please in	itial, date	and return	this memo to me. THANK YO	OU.					
v	The T.D.	is PROPER	and has been recorded (see	14.23).					
	The T.D.	is NOT PRO	OPER and has not been accep	ted for the reason(s) checked be	ow (see 14.24):				
		The TD fee	e of has not been su	bmitted nor is there any authoriz	ation in the application file for th	he			
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).							
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).							
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).							
		The person who signed the T.D.:							
		i:	s not an attorney "of record"	(see 14.29 and 14.29.01).					
			nas failed to state his/her cap	acity to sign for the business enti	ty (see 14.28).				
		is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).							
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).							
		The T.D. is	s not signed (see 14.26 & 14.	26.03).					
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).							
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).							
		The period	disclaimed is incorrect or no	t specified (see 14.26, 14.27.02	or 14.26.03).				
		Other:			<u>s</u>	Í			
			n to request refund (see 14.3 t check this item.	6). NOTE: If already authorized,	credit refund to deposit account				
I have ap	propriate	ely notified	applicant(s) of the status of t	he Terminal Disclaimer filed in th	is case.				
Ex.Initial	s:	(Date:		Log Date:				

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number (Optional) 23390-000120/US

In re Application of: Klaus R. MOELLER

Application No. 10/618,635

Filed: July 15, 2003

FOI: NETWORKED SOUND MAKSING SYSTEM WITH CENTRALIZED SOUND MASKING GENERATION

The owner, 777388 ONTARIO LIMITED, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/646,734, filled on August 25, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check	either	pox .	1 0	· 2	below,	if	appro	opriate.
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1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record. Reg. No. 35,416 2. 🔯

January 4, 2006

Date

Gary D. Yacura

Typed or printed name

Telephone Number

703-668-8000

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA22313-1450

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number (Optional) 23390-000120/US

In re Application of: Klaus R. MOELLER

Application No. 10/618,635

Filed: July 15, 2003

For: NETWORKED SOUND MAKSING SYSTEM WITH CENTRALIZED SOUND MASKING GENERATION

The owner', 777388 ONTARIO LIMITED, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 09/791.802, filed on February 26, 2001, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. 🔯 The undersigned is an attorney of record. Reg. No. 35,416

January 4, 2008

Date

gnature 🚄 Gary D. Yacura

Typed or printed name

703-668-8000

Telephone Number

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